

REMARKS

Claims 11-19, 23-29, 31 and 32 are pending in the application. In the Final Office Action mailed 21 July 2008 a new rejection was placed under Section 112, the rejection under Section 101 was sustained and a new art rejection was made under Section 103 to reject all of the claims. Reconsideration is requested in view of the above amendments and following remarks which include traversal in part of rejections. The amendment should be entered because it addresses minor error of an apparent nature, overcomes rejections under Section 101 and Section 103 and raises no new issues.

The rejection under Section 112 is directed to claim 11, but applicants submit that this rejection is in error. The Examiner suggests that there is insufficient basis to know whether the functions of a programmable controller are provided by the software modules or the expansion module. To the contrary, this is apparent from the grammar of the claim. If applicants were referring to the software modules (a plural quantity) then the word "provide" would have been used instead of "provides" and if applicants were referring to both the software modules and the expansion module (also a plural quantity) then the word "provide" would have been used instead of "provides". However, because the word "provides" is used it is understood that the verb is referring to a singular quantity which can only be "an expansion module". Thus, based on proper English grammar there is no indefiniteness and the rejection must be removed.

With regard to the rejection under Section 101, the Final Office Action now makes of record the Examiner's interpretation of "web server" as meaning a computer program instead of a computer that runs a computer program. Rather than argue over the intended meaning, applicants propose amendment to each of the independent claims in order to overcome this rejection. However, the amendment is based in part on a traversal of the Section 101 rejection with respect to certain of the dependent claims. Specifically, claim 12 requires that the web server comprises a connection to a communication network. Thus the claim, now canceled, was directed to a combination of hardware and software. Applicants submit that it was error to reject claim 12 under Section 101. Similarly, claim 23 recites a combination of hardware and software by requiring that the web server comprises a connection to the Internet via a firewall. Also, claim

29 as examined required a connection to an input/output module of an automation system. If the Examiner disagrees, the Examiner is requested to make reasons for such of record.

Based on the foregoing applicants have canceled claim 12 and incorporated the feature of a "connection to a communication network" into independent claim 11. Similarly, although claim 29 as examined already included a combination of hardware and software, that claim is amended to further recite what was implied: that the web server further comprises "a connection" providing direct access to the real-time communication level of a real-time Ethernet. For all of these reasons it is submitted that with the above amendment to the independent claims, all of the claims now fully satisfy the requirements of Section 101.

All of the claims are rejected under Section 103 based on the combination of Swales (U.S. 6,321,272) in view of Lindner (U.S. 6,640,140). In this regard, the Examiner relies upon Lindner to compensate for one deficiency of Swales, i.e., an expansion module which provides the functions of a PLC. As previously urged, Swales may disclose a PLC, but does not disclose a web server comprising an expansion module which provides the functions of a PLC. With respect to Lindner, that reference also discloses a PLC but does not disclose a web server comprising an expansion module which provides the functions of a PLC.

The independent claims 11 and 29 have been amended to incorporate the features recited in now-canceled claim 14. It is respectfully submitted that the rejection of canceled claim 14 (as explained at page 7 of the Final Office Action) is based on a misunderstanding of what has been claimed. The rejection may have interpreted the language of claim 14 as only referring to "communication between the software modules and components outside of the web server" because Swales does not appear to disclose "communication between the software modules" as suggested by the rejection. Nothing in the citations (col. 1, lines 56-61; col. 4, lines 6-7) relates to use of Internet protocols provided for communication between the software modules of claim 11. Accordingly, the corresponding recitation of claim 14 has been incorporated into claims 11 and 29. The Examiner is reminded that the recitations refer (in part) to communication between the software modules within the web server. It is not seen that this feature is found in the prior art.

Based on the above distinctions the claims are allowable over the prior art. Further, the amendment should be entered because it raises no new issues but, rather, presents certain features in the independent claims (which were previously presented in dependent claims) in

order to render the claims allowable. As a minimum, if the Examiner disagrees with the argument that the claims are allowable, the Examiner should enter this amendment because it places the application in better condition for allowance or appeal.

Conclusion

This amendment does not create any new issues relating to patentability and places the application in condition for allowance. For the above reasons all of the rejections should be removed and the application should be passed to allowance. The Commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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